

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BRUCE BIRCH,

Plaintiff,

v.

PAM DELPORTO, *et al.*,

Defendants.

Case No. 3:19-cv-00655-MMD-CLB

ORDER

I. DISCUSSION

In its July 30, 2020 Screening Order, the Court dismissed his complaint with leave to amend the access to the courts claim and ordered Plaintiff to file his amended complaint within 30 days of the date of that order. (ECF No. 14 at 12). The amended complaint therefore is due on August 29, 2020. The Court also advised Plaintiff that, if he did not file the amended complaint by that deadline, the action would be dismissed with prejudice for failure to state a claim. (*Id.*) Plaintiff has filed a motion for an extension of time of 60 days to file his amended complaint. (ECF No. 17 at 1). In his motion for extension of time, Plaintiff refers to limited library access due to COVID-19 and also refers to a pending grievance and events related to unsuccessful settlement negotiations he previously had regarding some of his other cases. (*Id.* at 1-2). The pending grievance and the events related to past unsuccessful settlement negotiations are not a valid basis for an extension of time. However, given Plaintiff's representation that he has limited

1 library access, the Court grants the motion. Plaintiff's amended complaint is due no later
2 than October 28, 2020. Plaintiff is cautioned that any further requests for extension of
3 time are not likely to be looked upon favorably, especially in light of the fact that the Court
4 provided Plaintiff with relevant law in its screening order. Plaintiff is reminded that he may
5 not amend the complaint to add unrelated claims against other defendants and that an
6 amended complaint does not include new claims based on events that have taken place
7 since the original complaint was filed.

8 **II. CONCLUSION**

9 For the foregoing reasons, IT IS ORDERED that the motion for extension of time
10 (ECF No. 17) is granted. Plaintiff shall file his amended complaint on or before October
11 28, 2020.

12 IT IS FURTHER ORDERED that, if Plaintiff does not file an amended complaint by
13 October 28, 2020, this action shall be dismissed for failure to state a claim.

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15 DATED THIS 27th day of August, 2020.

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18 UNITED STATES MAGISTRATE JUDGE
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